



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,631	07/03/2003	Kuansan Wang	M61.12-0521	4356
27366 7590 04/09/2008 WESTMAN CHAMPLIN (MICROSOFT CORPORATION) SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319				
EXAMINER				
AZAD, ABUL K				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
04/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,631

Applicant(s)

WANG, KUANSAN

Examiner

ABUL K. AZAD

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on January 10, 2008.
2. Claims 1-38 are pending in this action.
3. The applicant's arguments with respect to claims 1-38 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

Claim Rejections - 35 USC § 101

4. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

An invention may be patentable only if it falls in of the four statutory class of subject matter 35 U.S.C. 101 *Kewanee Oil Corp.*, 416 U.S. 470,483,181 USPQ 673,679 (1974). The CCPA stated that "any process, machine, manufacture, or composition of matter constitutes statutory subject matter unless it falls within a judicially determined exception of section 101." *In re Pardo*, 684 F. 2d 912,214 USPQ 673,677 (CCPA 1982). The claims are directed to non-statutory subject matter because the claimed subject matter falls within the mere idea or abstract intellectual concept exception to U.S.C. 101.

Descriptive material that cannot exhibit any function interrelationship with the way in which computing process are performed does not constitute a statutory process. Non-functional descriptive material stored on a medium is merely carried on the medium, it is

Art Unit: 2626

not structurally or functionally interrelated to the medium. The allowance of such a claim would exalt form over substance. See Guidelines IV.B.1(a)-(b).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4-18, 27-29 and 31-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Glynn (US 2004/0019476).

As per claim 1, Glynn teaches, "a computer readable medium having instructions that, when implemented on a computer cause the computer to process information", the instructions comprising:

"a stepwise module including instructions executed by the computer in a defined order based on an execution algorithm to establish an interaction with user" (Paragraph 0035, here stepwise module is HTML, XHTML, XML); and

"an object oriented module including at least one object having a temporal trigger for initializing an operation associated with the instructions of the stepwise module during the interaction" (Paragraphs 0037 and 0038, object oriented module is SALT).

As per claim 2, Glynn teaches, "wherein the execution algorithm automatically invokes the temporal trigger when at least one object is encountered" (Paragraph 0037).

As per claim 4, Glynn teaches, "wherein the object oriented module is a SALT module having speech application language tags" (paragraph 0037).

As per claim 5, Glynn teaches, "wherein the temporal trigger initializes a speech recognition event" (paragraph 0037).

As per claim 6, Glynn teaches, "wherein the temporal trigger initializes a DTMF recognition event" (paragraph 0037).

As per claim 7, Glynn teaches, "wherein the temporal trigger initializes a messaging event" (paragraph 0037).

As per claim 8, Glynn teaches, "wherein the stepwise module declares a first field and a second and wherein the object oriented module initializes a recognition event to obtain speech input from a user and fills the first field with a first portion of the speech input and fills the second field with a second portion of the speech input" (paragraph 0037).

As per claim 9, Glynn teaches, "wherein a first grammar is associated with the first field and a second grammar is associated with the second field" (paragraph 0037).

As per claim 10, Glynn teaches, "wherein the object oriented module initializes a recognition event having a plurality of grammars to obtain a recognition result and associates the recognition result with at least one of the plurality of grammars" (paragraph 0037).

As per claim 11, Glynn teaches, "wherein the stepwise module declares a first field and a second field and wherein the object oriented module initializes a recognition event to obtain an utterance having speech and DTMF input from a user and associates the speech input with the first field and the DTMF input with the second field" (paragraph 0037).

As per claim 12, Glynn teaches, "wherein the stepwise module declares a field and wherein the object oriented module declares initializes a recognition event to obtain a recognition result from the user to fill the field and executes a prompt to render the field to the user" (paragraphs 0037).

As per claim 13, Glynn teaches, "wherein the object oriented module executes a messaging event to connect to a remote application" (paragraph 0037).

As per claim 14, Glynn teaches, "wherein the object oriented module receives the result based on the messaging event and renders the result to a user" (paragraph 0037).

As per claim 15, Glynn teaches, "wherein the execution algorithm as automatically advances to a subsequent instruction after completion of the operation" (paragraphs 0037 and 0038).

As per claim 16, Glynn teaches, "wherein the trigger is one of an indication of error, exception, recognition and no recognition" (paragraph 0037).

As per claim 17, Glynn teaches, "wherein the trigger is completion of a playback instruction" (paragraphs 0037 and 0038).

As per claim 18, Glynn teaches, "wherein the trigger is receipt of a message" (paragraph 0037).

As per claims 27-29, 31-38, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1, 2, 4-18, because of similar scope in the claims limitations.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 19-26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glynn (US 2004/0019476) as applied to claims 1 and 27 above, and further in view of well-known prior art.

As per claim 3, Glynn does not explicitly teach "wherein the stepwise module is a VoiceXML module executing a form interpretation algorithm". However, Glynn teaches the stepwise module is a HTML, XHTML, XML or Java documents. Official Notice is taken on the well-known VoiceXML. Therefore, it would have been obvious to use VoiceXML substitute one of HTML, XHTML, XML or Java documents in the invention to achieve the predictable result of extracting information from the web site and delivered to the user.

As per claims 19-26, and 30, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 3 and 1, 2, 4-18.

Response to Arguments

9. The applicant argues at Page 10 of the remark section that independent claims 1 fall squarely within the designation of statutory subject matter, in particular, claim 1 specifically provides "a stepwise module including instructions...to establish an interaction with a user" and "an object oriented module...for initializing an operation associated with the instructions...during the interaction".

The examiner respectfully disagrees with the applicant's above assertion because claim 1 does not directed to a statutory subject matter. Here, in the claim 1, the claimed language directed to, the instructions comprising "a stepwise module" and "an object oriented module". It is not clearly claimed that whether the instructions are executable by the computer or not. The claimed preamble directed to "process information by the computer", but not clear what kind of information is processed, without execution of the instruction, that means there is not functional interrelationship with the computer and the instruction. Therefore, the claim is directed to non-functional descriptive material.

Therefore, the claim does not produce "Any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof."

10. The applicant argues, "Glynn does not disclose a stepwise module including instructions executed by computer to establish an interaction with a user and an object oriented module having a temporal trigger for initializing an operation associated with

the instructions as claimed. Instead, Glynn simply discloses sending communications back and forth between end users and web servers using HTML, XML, SALT".

Applicant's above argument are not persuasive to the examiner because Glynn teaches a stepwise module and object oriented module as VoiceXML and an object oriented module as SALT. Also applicant further define in dependent claims 3 and 4, where object oriented module as VoiceXML and an object oriented module as SALT..

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patric Edouard**, can be reached at **(571) 272-7603**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to: **(571) 273-8300**.

Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 9, 2008

/Abul K. Azad/
Primary Examiner
Art Unit 2626